

AMENDED IN SENATE JUNE 19, 2012

AMENDED IN ASSEMBLY MAY 25, 2012

AMENDED IN ASSEMBLY APRIL 12, 2012

AMENDED IN ASSEMBLY MARCH 28, 2012

AMENDED IN ASSEMBLY MARCH 20, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1872

Introduced by Assembly Member Alejo

February 22, 2012

An act to add Sections 1596.812 and 1597.50 to the Health and Safety Code, relating to child day care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1872, as amended, Alejo. Child day care facilities: nutrition.

Existing law, the California Child Day Care Facilities Act, administered by the State Department of Social Services, provides for the licensure and regulation of child day care facilities, defined to include, among others, family day care homes. Under existing law, the department may assess a civil penalty of no more than \$50 per day, with exceptions, for violations of the act relating to family day care homes. Willful or repeated violation of these provisions is a misdemeanor.

This bill would require, except as provided, a family day care home to adhere to certain nutrition standards in the provision of meals and snacks ~~as a condition of licensure~~. The bill would require the department to explain these nutritional requirements on its Internet Web site, in

appropriate department outreach materials, and during the orientation of prospective family day care home providers, and would authorize the department to send updated nutritional standard information to providers through a provider bulletin or other similar instruction. The bill would require a family day care home to ~~comply with certain requirements relating to the disclosure and review of weekly menus post, in an area open to parents and guardians, a weekly menu, as specified.~~ The bill would require the department to take specified actions with respect to noncompliance with these provisions. ~~The bill would exempt a family day care home from criminal and civil penalties for noncompliance, and would exempt a family day care home from all other procedures that would otherwise govern noncompliance with these provisions.~~

The bill would require the department to inform prospective and current child day care providers about the above-described nutrition requirements by posting certain information on the department's Internet Web site, and by disseminating information by other means deemed appropriate by the department.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1596.812 is added to the Health and
- 2 Safety Code, to read:
- 3 1596.812. For the purposes of improving nutrition in child day
- 4 care facilities, as defined in Section 1596.750, and increasing
- 5 providers' capacity to serve healthy foods, the department shall
- 6 inform prospective and current providers about the United States
- 7 Department of Agriculture Child and Adult Care Food Program
- 8 (CACFP) (7 C.F.R. 226.20) by posting information relating to
- 9 eligibility, enrollment, and reimbursement on the department's
- 10 Internet Web site, and by disseminating information by other means
- 11 deemed appropriate by the department. These means may include,
- 12 but are not limited to, orientation materials, during regular
- 13 inspections, and through written communications to licensees.
- 14 SEC. 2. Section 1597.50 is added to the Health and Safety
- 15 Code, to read:
- 16 1597.50. (a) Except as provided in subdivisions (c) and (d), a
- 17 family day care home shall ensure, ~~as a condition of licensure,~~ that

1 any meals and snacks provided by the family day care home
2 include, at a minimum, the amount of food and the components
3 that are specified by the United States Department of Agriculture
4 Child and Adult Care Food Program (CACFP) (7 C.F.R. 226.20).
5 The department shall explain these nutritional requirements on its
6 Internet Web site, in appropriate department outreach materials,
7 and during the orientation of prospective family day care home
8 providers.

9 (b) If the CACFP is amended to include new nutritional
10 standards, the department may inform providers of these updated
11 standards by provider bulletin or other similar instruction.

12 (c) If a child has a medical necessity, documented in writing by
13 a medical provider, that includes the need for “medical food” as
14 defined by Section 109971, a licensed family day care facility shall
15 be exempt from complying with the requirements of subdivision
16 (a), to the extent necessary to meet the medical needs of that child.

17 (d) This section shall not apply to meals or snacks provided by
18 a parent or legal guardian for his or her child at a family day care
19 home.

20 (e) Family day care homes shall post, in an area open to parents
21 and guardians, a weekly menu ~~clearly listing each food item for~~
22 ~~each meal and snack to be served by the provider, including any~~
23 ~~substitutions. The weekly menus shall be retained by the family~~
24 ~~day care home provider for no less than six months, and shall be~~
25 ~~made available, upon request, for review by the department or~~
26 ~~current or prospective parents or guardians of children attending~~
27 ~~the family day care home.~~

28 (f) The department shall review the status of compliance with
29 this section only during regularly scheduled, authorized monitoring
30 inspections, and shall not be required to conduct separate and
31 independent visits based solely on complaints regarding compliance
32 with the CACFP nutritional standards. Compliance shall be
33 determined by examining the posted menu; *or* observing any meal
34 or snack served during the monitoring visit, if any, ~~and, at the~~
35 ~~discretion of the department, by inquiry of the provider or review~~
36 ~~of prior menus.~~ If the department determines that a family day care
37 home is noncompliant with this section, the department shall
38 recommend to the family day care home relevant nutrition
39 information and training opportunities.

1 (g) Article 5 (commencing with Section 1596.89) of Chapter
2 3.4, and the provisions relating to civil penalties that are imposed
3 by Sections 1597.56, 1597.58, and 1597.62 shall not apply to this
4 section. *The compliance procedures described in subdivision (f)*
5 *shall supersede any other compliance procedures required by this*
6 *chapter or by any other law for the duties imposed by this section.*
7 (h) The requirements imposed by this section are in addition to,
8 and are not intended to replace, the requirements prescribed by
9 Section 1596.808.

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